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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/100,671	06/19/1998	JEFFREY MARK ZUCKER	19010.715	8812

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EXAMINER

KEMPER, MELANIE A

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/100,671

Applicant(s)

ZUCKER ET AL.

Examiner

M Kemper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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402.10 Appointment/Revocation by Less Than All Applicants or Owners

Papers giving or revoking a power of attorney in an application generally require signature by all the applicants or owners of the application. Papers revoking a power of attorney in an application (or giving a power of attorney) will not be accepted by the Office when signed by less than all of the applicants or owners of the application unless they are accompanied by a petition and fee under 37 CFR 1.182 giving good and sufficient reasons as to why such papers should be accepted. The petition should be directed to the Office of Petitions. The acceptance of such papers by petition under 37 CFR 1.182 will result in more than one attorney, agent, applicant, or owner prosecuting

1.

2. The associate power of attorney was signed by only one of the inventors. See MPEP 402.10 where the power of attorney must be signed by all of the applicants.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Low et al, "Anonymous Credit Cards" IEEE Symposium on Research in Security and Privacy, 1994, p.1-10.

Low teaches a server with a program for providing privacy to consumers for generating a pseudo-identity that can be used to browse, register, purchase, pay for, and take delivery of goods, the pseudo-identity permitting the seller to access a purchase demand associated with the pseudo-identity, the pseudo-identity permitting a financial institution to see payment information (see at least p. 1-3). Low also teaches

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the seller cannot identify the user (see at least p. 1-3) and the financial institute cannot identify the goods (see at least abstract). Low does not show that a freight company delivers the goods or that it cannot identify the goods. However, it would have been obvious to one having ordinary skill in the art at the time of the invention to have implemented a freight company for delivering the goods in Low since the delivery would have completed the transaction between the customer and the store particularly in the case where the credit card is used in mail order transactions. It also would have been obvious that the freight company is unaware of the goods sent since this is well known in the mail delivery art for at least privacy concerns of the customer. It also would have been obvious to have used the pseudonym of Low in Internet based browsing since this would have been adopted for the intended use of maintaining anonymity as desired in Low and since anonymous browsing is well known in the art for the user's protection and convenience.

5. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabber et al., patent number 5,961,593 in view of Low as above.

Gabber teaches a server for providing privacy to consumers, the server comprising a program for generating a pseudo-identity that can be used to browse, register, purchase/pay for goods and permitting a seller to access a purchase demand and where the pseudo-identity can be used during Internet based browsing and where the seller cannot identify the user associated with the pseudo-identity (col. 5, lines 15-30, col. 6, line 60 – col. 7, line 20, col. 9, lines 50-65, col. 12, line 45 – col. 13, line 15).

Gabber does not specifically show permitting a financial institution to see payment information.

Low teaches a server with a program for providing privacy to consumers for generating a pseudo-identity that can be used to browse, register, purchase, pay for, and take delivery of goods, the pseudo-identity permitting the seller to access a purchase demand associated with the pseudo-identity, the pseudo-identity permitting a financial institution to see payment information (see at least p. 1-3). Low also teaches the seller cannot identify the user (see at least p. 1-3) and the financial institute cannot identify the goods (see at least abstract). It would have been obvious to one having ordinary skill in the art at the time of the invention to have implemented the anonymous payment of Low in the system of Gabber since Gabber suggests use of anonymous payment systems (col. 12, lines 45-50, 55-56) and since Low suggests further privacy by not allowing the financial institution knowledge of what item is purchased. Neither Gabber nor Low shows that a freight company delivers the goods or that it cannot identify the goods. However, it would have been obvious to one having ordinary skill in the art at the time of the invention to have implemented a freight company for delivering the goods in Low since the delivery would have completed the transaction between the customer and the store particularly in the case where the user shops for goods online. It also would have been obvious that the freight company is unaware of the goods sent since this is well known in the mail delivery art for at least privacy concerns of the customer.

6. Applicant's arguments filed on 10-15-02 have been fully considered but they are not persuasive. The applicant argues that Low does not teach a server that generates a pseudo-identity. This is incorrect since a financial institution provides a pseudonym to the user. The applicant states that none of the claim limitations are met in Low.

However, Low describes the use in terms of an in-store purchase which is an embodiment of the present invention as described in the specification. The claim is directed to a server which generates a pseudo-identity which is shown in Low.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hauser et al., "On Shopping Incognito", 3/1996 teaches anonymous browsing (p. 2-4).

Gabber et al., "How to Make Personalized Web Browsing Simple, Secure, and Anonymous" Financial Cryptography '97, 2/1997, whole document esp. abstract, p.1-2, 11-12).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M Kemper whose telephone number is 703-305-9589. The examiner can normally be reached on M-F (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric W. Stamber can be reached on 703-305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

A handwritten signature in black ink, appearing to read "M. Kemper", with a long horizontal flourish extending to the right.

M Kemper
Primary Examiner
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MK
April 7, 2003